SUBJECTS.

it. He requested that steps might be taken for publishing the evidence of witnesses examined by interrogatories.

Dewan's reply.—As stated by the Member, the report of the Committee has been published and the opinion of the communities affected has been invited. No useful purpose will be served by discussing the questions at this Assembly. As regards the publication of the evidence, I shall consult Mr. Govinda Pillai, the President of the Committee, and see what could be done.

20. Establishment of Village Munsiffs' Courts and Village Panchayets.

Mr. M. Bhuthalingom Pillai (Member, Eraniel Taluk) said that the arrears of suits were at present heavy in all the Munsiffs' Courts, and that, if the ordinary and small cause powers of the Munsiffs be increased to Rs. 2,000 and Rs. 100 respectively, the bulk of the arrears was bound to increase still further. It was therefore imperative that some relief should be afforded to the Munsiffs both in their own interests as well as in the interests of the litigant public, as, owing chiefly to the want of sufficient time, the cases in those Courts, especially the small cause suits, were being disposed of hurriedly and consequently to the great detriment of the parties. He therefore requested that at least suits relating to immovable properties, of which the value was between Rs. 1,000 and Rs. 2,000, might be allowed to be filed in the District Courts as at present or that the enhanced powers proposed to be given might be tentatively tried for two or three years and confirmed only if found to work satisfactorily at the expiry of that period. In any case, the Member said that there would be substantial relief to the Munsiffs and a fair administration of justice if Village Munsiffs' Courts and Village Panchayets were established and the Village Munsiffs invested with small cause powers up to Rs. 25. On an average, there would be about 500 cases of that kind in each Munsiff's Court in a year. The system, if tried, would be seen to work beneficial results in other directions also. The Village Panchayets would be able to exercise a wholesome influence in the detection of the graver crimes and generally also in the prevention of crimes. Considering the educational condition of Travancore, there should be no difficulty in finding proper men to fill those places. He therefore requested that the matter might be favourably considered by Government and the system advocated by him given a fair trial before abandoning it as unworkable. Should it be decided that the proposal could not be sanctioned, the Member prayed, as an alternative, that Magistrate-Munsiffs be appointed and small cause suits up to Rs. 25 transferred to them for disposal.

LIBRARY ARCHIVES Kerala Legislative Assembly

SUBJECTS.

Dewan's reply.—The proposal was considered in 1906 by the High Court, who recorded the opinion that the system would not work well in Travancore. The High Court will again be asked.

1. *Civil suits relating to viruthi lands.*

Mr. K. Raman Tampi (Member, Vilavankode Taluk) stated that the Civil Courts were at present insisting on Government being impleaded as a party in suits relating to lands which originally were of viruthi tenure. By joining the Sirkar as a party, the suits had to be filed in the District Courts, as they were not cognisable by the Munsiffs' Courts. Viruthi lands were being alienated in practice as much as pandarapattom lands and the treatment accorded at the settlement to the lands of both description was also the same. In the majority of cases, the ryots were put to the necessity of resorting to Civil Courts to set aside the decisions of the settlement officers in registration cases, and under the existing practice it took a long time before a suit could be filed in the Courts. He therefore prayed that the rule or practice which required that Government should be added as a party in such cases might be cancelled.

Dewan's reply.—The law as it stands does not require that the Government should be made a party in such cases. But under Section 7 A of the Civil Procedure Code, an order of Government permitting the party to seek redress in the Civil Courts is necessary before a suit can be filed. The matter will be enquired into.

2. *Procedure in cases of attachment of movables.*

Mr. A. E. Padmanabha Kurup (Member, Karunagapalli Taluk) said that, in cases of attachment of movables in execution of the decree of a Civil Court, the practice now was to entrust such movables to the care of the Amins of the Court till the auction was concluded or the articles were returned to the owners in case the decree was satisfied. The mischief practised by the Amins, who were a set of low-paid subordinates, caused much loss to the parties. The lists prepared by them were not being attested by anybody. In many cases, therefore, no accurate or exhaustive lists were prepared, properties were undervalued and non-perishable articles were entered as perishables. In view to remedy this state of affairs, it was desirable that three copies of the lists of properties should be prepared at the place of attachment and attested by the plaintiff, defendant, thadasthers and the Amin, and one copy furnished to the owner of the properties, one filed in the Court and one kept in the possession of the Amin. The Member said that a Circular to the above effect from the High Court would remove the difficulties complained of.

LIBRARY ARCHIVES Kerala Legislative Assembly